

Doris Johnson Hines (*pro hac vice*)  
Jeffrey C. Totten (*pro hac vice*)  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
901 New York Avenue, NW  
Washington, DC 20001-4413  
Telephone: (202) 408-4000  
Facsimile: (202) 408-4400

Jacob A. Schroeder (SBN 264717)  
jacob.schroeder@finnegan.com  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
3300 Hillview Avenue  
Palo Alto, California 94304  
Telephone: (650) 849-6600  
Facsimile: (650) 849-6666

*Attorneys for Plaintiff X One, Inc.*

MICHAEL A. JACOBS (CA SBN 111664)  
MJacobs@mofo.com  
ESTHER KIM CHANG (CA SBN 258024)  
EChang@mofo.com  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: 415.268.7000  
Facsimile: 415.268.7522

RUDY Y. KIM (CA SBN 199426)  
RudyKim@mofo.com  
MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: 650.813.5600  
Facsimile: 650.494.0794

*Attorneys for Defendant  
UBER TECHNOLOGIES, INC.*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

X ONE, INC.,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,

Defendant.

Case. No. 5:16-cv-06050-LHK

**JOINT STIPULATION TO EXTEND  
BRIEFING SCHEDULE FOR  
DAUBERT AND SUMMARY  
JUDGMENT MOTIONS;**

**SCHROEDER DECLARATION;**

**[PROPOSED] ORDER**

Honorable Lucy H. Koh

1 Plaintiff X One, Inc. and Defendant Uber Technologies, Inc., through their counsel of record,  
2 hereby stipulate as follows:

3 WHEREAS the Court set a hearing on Daubert motions for December 12, 2019, and a  
4 hearing on summary judgment motions for January 9, 2020;

5 WHEREAS on October 31, 2019, X One filed a motion for summary judgment and a  
6 Daubert *motion*;

7 WHEREAS on October 31, 2019, Uber filed a motion for summary judgment and two  
8 Daubert *motions*;

9 WHEREAS under the schedule set by the Court's Order, oppositions to both motions are due  
10 on November 14, 2019, and replies are due one week later on November 21, 2019;

11 WHEREAS the parties jointly request a four-day extension of time to prepare and file their  
12 oppositions to the Daubert and summary judgment motions, and a one-day extension of time to  
13 prepare and file their replies;

14 WHEREAS the parties seek this extension of time to accommodate their schedules and  
15 because this proposal will still result in the Court having fully-briefed motions well in advance of the  
16 hearing dates presently set (December 12, 2019, and January 9, 2020);

17 WHEREAS, under the parties' proposal, oppositions would be due November 18, 2019, and  
18 replies would be due November 26, 2019;

19 WHEREAS the extension will not otherwise affect the schedule for the case or any other  
20 deadline in the case;

21 THEREFORE, the parties hereby stipulate and agree to the following:

22 Oppositions to Daubert and summary judgment motions shall be filed on or before  
23 November 18, 2019; replies in support of Daubert and summary judgment motions shall be filed on  
24 or before November 26, 2019.

25 No changes to any other case deadlines are warranted at this time.

26 IT IS SO STIPULATED.  
27

1  
2 Dated: November 6, 2019

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP

3  
4 By: /s/ Jacob A. Schroeder  
5 Jacob A. Schroeder (SBN 264717)  
6 Doris Johnson Hines (*pro hac vice*)  
7 Jeffrey C. Totten (*pro hac vice*)  
8 FINNEGAN, HENDERSON, FARABOW,  
9 GARRETT & DUNNER, LLP  
10 901 New York Avenue, NW  
11 Washington, DC 20001-4413  
12 Telephone: (202) 408-4000  
13 Facsimile: (202) 408-4400

Jacob A. Schroeder (SBN 264717)  
jacob.schroeder@finnegan.com  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
3300 Hillview Avenue  
Palo Alto, California 94304  
Telephone: (650) 849-6600  
Facsimile: (650) 849-6666

*Counsel for Plaintiff*  
*X One, Inc.*

14  
15  
16  
17 Dated: November 6, 2019

MORRISON & FOERSTER LLP

18 By: /s/ Esther Kim Chang  
19 Esther Kim Chang

20 Attorneys for Defendant  
21 UBER TECHNOLOGIES, INC.  
22  
23  
24  
25  
26  
27

**DECLARATION OF JACOB A. SCHROEDER IN SUPPORT OF THE PARTIES' JOINT  
STIPULATION TO EXTEND BRIEFING SCHEDULE FOR DAUBERT AND SUMMARY  
JUDGMENT MOTIONS**

I, Jacob A. Schroeder, hereby declare:

1. I submit this declaration pursuant to Civil L.R. 6-2 in support of the parties Joint Stipulation to Extend Briefing Schedule for Daubert and Summary Judgment Motions. I have personal knowledge of the facts set forth in this declaration and, if called to testify as a witness, could and would do so competently.

2. Pursuant to Civil Local Rule 6-2(a)(1) and 6-2(a)(3), the facts stated in the Joint Stipulation are true and correct.

3. Pursuant to Civil Local Rule 6-2(a)(2), I have listed below all previous time modifications in this case of which I am aware.

4. Uber previously requested and X One agreed to provide, a 30-day extension for Uber to respond to X One's Complaint. ECF No. 22.

5. X One previously requested and Uber agreed to provide, a 14-day extension for X One to respond to Uber's motion to dismiss. ECF No. 27; ECF No. 28.

6. In negotiating the terms of a protective order, the parties previously requested a 14-day extension (ECF No. 46; ECF No. 48) and a 5-day extension (ECF No. 49; ECF No. 50).

7. Uber previously requested and X One agreed to extend the deadline for invalidity contentions and several claim construction deadlines. ECF No. 56; ECF No. 57.

8. This case was stayed pending Uber's IPR petitions. ECF No. 77; ECF No. 78; ECF No. 89. During the stay, the parties requested an extension of time for mediation. ECF No. 79; ECF No. 80.

9. The parties agreed to extend the time for Uber to respond to X One's Motion for Summary Judgment by six days in view of ongoing discovery in advance of the close of fact discovery. ECF No. 122; ECF No. 123.

10. On May 29, 2019, the parties agreed to take four depositions past the close of fact discovery to accommodate witness schedules. ECF No. 161; ECF No. 163.

11. On June 4, 2019, X One sought to shorten the briefing schedule (by 7 days) for third-party SC Innovations, Inc. to respond to X One's Motion to Compel Compliance and to advance the hearing date for X One's motion. ECF No. 167. X One's motion was granted. ECF No. 170.

12. On August 23, 2019, X One requested an extension of time (ECF No. 255) to file a response to Uber's Motion to Strike certain opinions of Dr. Sigurd Meldal (ECF No. 250). The Court did not act on X One's motion before X One's opposition was due, so X One filed its opposition under the deadline set by the Civil Local Rules (ECF No. 261), mooted X One's request for an extension of time.

13. Pursuant to Civil Local Rule 6-3(a)(3), X One's requested extension of time will not alter the date of any other event or any other deadline already fixed by Court Order. Moreover, because the party's briefs will be due November 26, 2019, the requested extension provides the Court with sufficient time to consider the fully-briefed motions in advance of the hearing on *Daubert* motions on December 12, 2019, and the hearing on summary judgment motions on January 9, 2020.

14. Neither party has previously requested any modifications to the briefing schedule set by rule for these motions, and the modifications requested herein will not affect the noticed hearing date for the motion or any other scheduled dates or events in this action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 6th day of November 2019.

/s/ Jacob A. Schroeder  
Jacob A. Schroeder (SBN 264717)

#### ATTESTATION OF E-FILED SIGNATURE

I, Jacob A. Schroeder, am the ECF User whose ID and password are being used to file this document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Esther Kim Chang has concurred in this filing.

Dated: May 29, 2019

By: /s/ Jacob A. Schroeder  
Jacob A. Schroeder

**[PROPOSED] ORDER**

Pursuant to the parties' stipulation, oppositions to Daubert and Summary Judgment motions are to be filed on November 18, 2019; replies to Daubert and Summary Judgment motions are to be filed on November 26, 2019. IT IS SO ORDERED.

Dated: \_\_\_\_\_

Honorable Lucy H. Koh  
United States District Judge